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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1931

No. 130

DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, PETITIONERS,

vs.

BEN TERTE, JUDGE OF THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF MISSOURI

PETITION FOR CERTIORARI FILED JUNE 3, 1931

CERTIORARI GRANTED OCTOBER 12, 1931

(35,944)

(35,944)

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., OCTOBER 22, 1931

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1930.

No. .....

DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, PETITIONERS,

VS.

BEN TERTE, JUDGE OF THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY, RESPONDENT.

United States of America, State of Missouri, ss.

Be it remembered that, heretofore, to-wit, on the 3rd day of February, 1931, there was filed in the office of the clerk of the Supreme Court of the State of Missouri, in a cause entitled State of Missouri, at the relation of Denver and Rio Grande Western Railroad Company, and Atchison, Topeka and Santa Fe Railway Company, relators against Ben Terte, judge of the Circuit Court of Jackson County, Missouri, at Kansas City, No. 31032, a petition for a writ of prohibition, which said petition is in words and figures following, to-wit:

In the Supreme Court of the State of Missouri. October Term, 1930. *January Call,* 1931. *Denver and Rio Grande Western Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, Plaintiff, vs. Ben Terte, Judge of the Circuit Court of Jackson County, Missouri, at Kansas City, Defendant. No.* 31032.

Notice of Filing Petition for Writ of Prohibition and Suggestion in Support Thereof.

To Hon. Ben Terte, Defendant, and Mosman, Rogers and Buzard and Lesley P. Robinson, Attorneys for Ray Curtis:

You are hereby notified that plaintiffs, Denver and Rio Grande Western Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, filed with the clerk of the Supreme Court of the State of Missouri, on Tuesday, February 3, 1931, a petition for a writ of prohibition and suggestions in support thereof, copies of which are attached to a copy of this notice which is herewith delivered to you, and that the court will pass upon this matter at the next meeting of the Supreme Court *en banc,* which will be held on March 2nd, 1931.

HACKNEY & WELCH,
Attorneys for Denver and Rio Grande Western Railroad Company.

CYRUS CRANE,
GEO. J. MERSEREAU,
Attorneys for The Atchison, Topeka and Santa Fe Railway Company.

Service of the above notice and receipt of copies of the petition for a writ of prohibition and suggestions in support thereof therein mentioned are hereby acknowledged this 4th day of February, 1931.

MOSMAN, ROGERS & BUZARD,
By PAUL O. BUZARD,
Attorneys for Ray Curtis.

In the Supreme Court of the State of Missouri. October Term, 1930. *January Call,* 1931. *Denver and Rio Grande Western Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, Plaintiffs vs. Ben Terte, Judge of the Circuit Court of Jackson County, Missouri, at Kansas City, Defendant. No. .....*

Petition for a Writ of Prohibition.

Plaintiffs petition the court for a writ of prohibition and respectfully show that plaintiff, Denver and Rio Grande Western Railroad Company, is a corporation organized and existing under the laws of the State of Delaware, and owns and operates a railroad for the transportation of freight and passengers in the States of Colorado, Utah and New Mexico, with its main office and general officers in the City of Denver, State of Colorado; that no part of its railroad runs into, through or traverses any part of the State of Missouri; that it has never been licensed to do business in the State of Missouri, nor has it consented to be sued in the State of Missouri; nor has it ever done